

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

IN RE

EDDIE A. CORYAT,

CHAPTER 13

CASE NO. 18-10342

DEBTOR.

CHIEF JUDGE: Cecelia G. Morris

**LIMITED OBJECTION TO DEBTOR'S MOTION
FOR AN ORDER APPROVING LOAN MODIFICATION**

Katherine Heidbrink, attorney for TIAA, FSB d/b/a TIAA Bank f/n/a EverBank as Servicer for HSBC Bank USA, National Association as Trustee for Opteum Mortgage Acceptance Corporation, Asset-Backed Pass-Through Certificates, Series 2005-5, affirms under penalty as follows:

1. I am a Bankruptcy Attorney with Shapiro, DiCaro & Barak, LLC, attorneys for TIAA, FSB d/b/a TIAA Bank f/n/a EverBank as Servicer for HSBC Bank USA, National Association as Trustee for Opteum Mortgage Acceptance Corporation, Asset-Backed Pass-Through Certificates, Series 2005-5 ("TIAA"), and am familiar with the facts and circumstances surrounding this matter.
2. TIAA holds a mortgage on the Debtor's real property located at 104 West 118th Street, New York, NY 10026 (the "Property").
3. This Limited Objection is submitted in response to the Motion to Approve a permanent loan modification filed by the Debtor on September 16, 2019 as ECF Doc. No. 69 (the "Motion to Approve").
4. To be clear, TIAA has no objection to entry of an Order approving the permanent loan modification affixed to the Motion to Approve.
5. However, for the sake of a clear record, TIAA wishes to respectfully clarify the following assertions in the Motion to Approve.

6. In the Motion to Approve and proposed Order attached thereto, the creditor is identified as “HSBC Bank USA.” While this creditor name is accurate, TIAA notes the complete creditor name set forth in para. 1, above, as well as in the permanent loan modification.
7. Para. 1 of the Motion to Approve states that the instant bankruptcy was filed on February 9, 2019. However, the instant bankruptcy was filed on February 9, 2018.
8. Para. 2 of the Motion to Approve states that loss mitigation was granted by Order entered on August 7, 2018. However, loss mitigation was granted by Order entered on August 8, 2018.
9. Para. 4 of the Motion sets forth various figures, some of which do not match the permanent loan modification. The correct figures are:
 - a. The post-modification unpaid principal balance totals \$935,703.75, not \$933,579.20.
 - b. The post-modification unpaid principal balance is effective as of July 1, 2019, not July 11, 2019.
 - c. The post-modification mortgage payments, including escrow, start at \$6,368.15 as of August 1, 2019, and will vary thereafter based on the step interest rate and escrow fluctuations.
 - d. The post-modification monthly principal & interest payment, exclusive of escrow, starts at \$5,426.31 as of August 1, 2019, and will increase thereafter according to the step interest rate schedule set forth in the permanent modification affixed to the Motion to Approve.
10. The proposed Order affixed to the Motion to Approve states that the permanent modification is dated June 26, 2019. The correct date is August 27, 2019.

WHEREFORE the undersigned respectfully requests the Court to approve the permanent loan modification affixed to the Motion to Approve, but to note the above corrections, together with such

other and further relief as may be just and proper.

Date: October 1, 2019

/s/ Katherine Heidbrink

Katherine Heidbrink

Bankruptcy Attorney

Shapiro, DiCaro & Barak, LLC

Attorneys for TIAA, FSB d/b/a TIAA Bank f/n/a

EverBank as Servicer for HSBC Bank USA, National

Association as Trustee for Opteum Mortgage

Acceptance Corporation, Asset-Backed Pass-

Through Certificates, Series 2005-5

One Huntington Quadrangle, Suite 3N05

Melville, NY 11747

Telephone: (631) 844-9611

Fax: (631) 844-9525

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
100 WALL STREET
NEW YORK, NEW YORK 10038
10/07/19

SHAPIRO, DICARO & BARAK, LLC
Attorneys for TIAA, FSB d/b/a TIAA Bank f/n/a
EverBank as Servicer for HSBC Bank USA, National
Association as Trustee for Opteum Mortgage Acceptance
Corporation, Asset-Backed Pass-Through Certificates,
Series 2005-5
One Huntington Quadrangle, Suite 3N05
Melville, NY 11747
Telephone: (631) 844-9611, Fax: (631) 844-9525
Katherine Heidbrink

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

IN RE

CHAPTER 13

EDDIE A. CORYAT,

CASE NO. 18-10342

DEBTOR.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)ss:
COUNTY OF SUFFOLK)

I, Jordan Rebolini being sworn, say, I am not a party to this action; I am over 18 years of age, I
reside in Suffolk County, New York.

On October 7, 2019 I served the within Limited Objection to Motion to Approve upon:

TO: Debtor

Eddie A. Coryat
104 West 118th Street
New York, NY 10026

Attorney for Debtor
Norma E. Ortiz
Ortiz & Ortiz LLP
32-72 Steinway Street
Suite 402
Astoria, NY 11103


Trustee
Krista M. Preuss
Chapter 13 Standing Trustee
399 Knollwood Road
White Plains, NY 10603

U.S. Trustee - Brooklyn
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014


at the addresses designated by the foregoing individuals for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Please note that our firm also represents the junior mortgagee TIAA, FSB d/b/a TIAA Bank f/n/a EverBank on the same real property, and, as such, we waive service for said mortgagee. See Claim No. 1.

Date: October 7, 2019


Jordan Rebolini
Bankruptcy Assistant
Shapiro, DiCaro & Barak, LLC
Attorneys for TIAA, FSB d/b/a TIAA Bank f/n/a
EverBank as Servicer for HSBC Bank USA, National
Association as Trustee for Opteum Mortgage
Acceptance Corporation, Asset-Backed Pass-Through
Certificates, Series 2005-5
One Huntington Quadrangle, Suite 3N05
Melville, NY 11747
Telephone: (631) 844-9611
Fax: (631) 844-9525

Sworn to before me this
7th day of October, 2019


Notary Public

